Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
12/15/2016	Industry Station	☐	☑

Incident Information

URN: 016-16042-1475-013	Date: 12/15/2016	Time: 2249

City or Station: Hacienda Heights

Location: [redacted] Windrush Drive

Nature of Incident: Deputies responded to the location to assist Downey Police Department for an armed suspect. Deputies shot the suspect. The suspect was pronounced dead at the scene.

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (*check only one*):
- ☑ Darkness
- ☐ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☐ Clear
- ☐ Cloudy
- ☐ Fog
- ☑ Rain

Distance: 50 ft

Total # of Shots Fired by Deputy: multiple

Total # of Shots Fired by Suspect: 0

Incident Type (*check one or more*):
- ☐ Accidental
- ☑ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☑ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☑

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Benavides	Vincent		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Cruz	Jose		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Saenz	Henry		☐ On Duty ☑ Present during shooting ☑ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Morales	Joseph	P

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Infante	David	

PSTD Use Only

SH # 241807

Officer Involved Shooting

URN: 016-16042-1475-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
12/16/2016	0120	12/16/2016	06/29/18

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	
[redacted]	Diez	Justin	R

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S/1	E/1	FH	BR	25	--	--	NN	NN
E/1	S/1	FR	CO	23	Y	Y	GS	LE
E/2	S/1	FS	RM	12	Y	Y	GS	FE
E/3	S/1	FH	SW	9	Y	Y	GS	AR
E/4	S/1	FR	CO	23	Y	Y	GS	AD
E/5	S/1	FR	CO	23	Y	Y	GS	LE
E/6	S/1	FH	BR	9	Y	Y	GS	LE

Officer Involved Shooting
Involved Employee Information

URN: 016-16042-1475-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex [redacted] Race: [redacted]	Rank: [redacted]	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [ ] EM [x] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [x] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used: N/A
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #; Interviewed? [x]
Hrs of sleep prior to shooting: 6	Duty Time (hrs): 16	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: [redacted]	Weight: [redacted]	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [ ]
Weapons Fired Brand: Colt	Caliber 223	# Shots 4	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name Gemmill	First Name Brian	M.I. W
Sex: M Race: W	Rank: DSG	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): 144F2
ShiftTime (*circle only one*): [x] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #; Interviewed? [x]
Hrs of sleep prior to shooting: 5	Duty Time (hrs): 10	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6'2"	Weight: 160	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: IDT	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [ ]
Weapons Fired Brand: Remington	Caliber 12GA	# Shots 4	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name Segura-Cisneros	First Name Juan	M.I. C
Sex: M Race: H	Rank: DSG	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): 141
ShiftTime (*circle only one*): [x] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #; Interviewed? [x]
Hrs of sleep prior to shooting: 7-8	Duty Time (hrs): 10	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6'2"	Weight: 220	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [ ]
Weapons Fired Brand: Smith & Wesson	Caliber 9mm	# Shots 18	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 016-16042-1475-013

Involved Employee

E 4

Employee #: [redacted]	Last Name: Cariaga	First Name: Sean	M.I.: M
Sex: M Race: W	Rank: B1	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): 144D
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 7-8	Duty Time (hrs): 10	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'7" Weight: 190			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: Colt Caliber: 223 # Shots: 3	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #:	Last Name: [redacted]	First Name: [redacted]	M.I.

E 5

Employee #: [redacted]	Last Name: Mendoza	First Name: Joseph	M.I.: E
Sex: M Race: H	Rank: B1	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): 144F
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 6	Duty Time (hrs): 10	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'9" Weight: 240			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: AR15 Caliber: 223 # Shots: 1	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.

E 6

Employee #: [redacted]	Last Name: Magana	First Name: Ernest	M.I.: A
Sex: M Race: H	Rank: DSG	Unit Assignment: Industry	Work Assignment (Unit #, Module, etc.): 144K1
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 6	Duty Time (hrs): 10	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'10" Weight: 240			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: ☐
Weapons Fired Brand: Beretta Caliber: 9mm # Shots: 6	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 016-16042-1475-013

Suspect Information

S 1

Last Name: Hess		First Name: Robert	M.I.: J
AKA Last Name:		First Name:	M.I.:
Sex: M Race: white	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: N/A	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 60 D.O.B. 10/27/1956	Height: 600 Weight: 185	FBI #: [redacted]	CII #: [redacted]
Booking #: N/A	Primary Charge: 245PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #: 16-09128	Intoxication/Drug Usage? ☑	Substance Used: Alcohol
Armed? ☑	Apprehended? ☐	Mental Illness? ☑	Criminal History? ☐
Vehicle Make: N/A		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	

Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

Last Name | First Name | M.I.
Street Address | Zip Code | Work Ph | Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Tien	Jerry		150 North Hudson Avenue	91745	626-330-3322	
Ortiz	Jacqueline		150 North Hudson Avenue	91745	626-330-3322	
Tovali	Alexander		150 North Hudson Avenue	91745	626-330-3322	

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

SH 2418067 / FO 2418326

INCIDENT: **Hit Shooting / Use of Force**

URN: **016-16042-1475-013**

DATE / TIME: **December 15, 2016 / 2147 HOURS**

LOCATION: **[redacted] Windrush Drive, Hacienda Heights**

SYNOPSIS:

On December 15, 2016, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Justin Diez, Sergeant [redacted], and Sergeant [redacted] responded to Industry Station regarding an on-duty hit shooting. The shooting resulted in the death of Suspect Robert Hess. On August 31, 2018, this case was reassigned to Sergeant John Steele.

Detectives Joseph Ramirez and Raymond Lugo from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the investigation. For further information refer to the Homicide case book, under URN #016-16042-1475-013 **[EXHIBIT A]**.

On December 15, 2016, Suspect Hess was involved in an incident with family members in the city of Downey. During the incident Suspect Hess brandished a knife and a handgun at family members. Downey Police responded and a short pursuit of Suspect Hess ensued. Downey Police officers lost Suspect Hess who was on a motorcycle. During a follow-up investigation they learned of a possible address for Suspect Hess in Hacienda Heights. Two officers, Witnesses [redacted] and [redacted], responded to the location, but did not see Suspect Hess or his motorcycle. Witness [redacted] called Industry Sheriff's Station and advised the watch commander they would be in the area watching for Suspect Hess.

At approximately 2147 hours, Witnesses [redacted] and [redacted] located Suspect Hess walking his dog in front of [redacted] Witnesses [redacted] and [redacted] contacted Suspect Hess, who said he had a gun and would not cooperate with officers. Witness [redacted] called Industry Sheriff's Station via his cell phone and requested units Code-3.

Witness Saenz was the first unit to arrive on scene. Witness Saenz learned Suspect Hess was wanted for assault with a deadly weapon, and based on the call at the

Downey location, was in possession of a gun. Witness Saenz told Witnesses [redacted] and [redacted] to continue their dialogue with Suspect Hess. Witness Saenz activated the duplex patch and started transmitting information to responding units. As assisting units arrived, Witness Saenz assigned Deputies [redacted] Cariaga, and Mendoza as designated shooters. Witness Saenz assigned Deputies Magana and [redacted] as less lethal (Stun bags) and formed an arrest team. Deputy Benavides was assigned to be a liaison so deputies would have radio communication with the Downey officers. Deputies used their vehicles and neighboring walls for cover. Witnesses [redacted] [redacted] and Benavides used the Downey unmarked vehicle for cover.

IAB Note: **Normal radio operation is called "simplex". This means when a deputy in the field transmits his/her traffic will only be heard by Sheriff's Communication Center. All field units will hear a busy tone. When the "duplex patch" is activated it patches channels together, and changes the frequency from simplex to duplex. Now all field units will be able to transmit directly to one another, no busy tones will exist.**

Witness [redacted] kept dialogue going with Suspect Hess for approximately an hour. During this time, Suspect Hess was uncooperative. Suspect Hess refused to follow any orders given to him, and made several statements about wanting to die. Deputies requested additional resources including K-9, and SEB.

IAB Note: **These resources were later cancelled after it was determined this incident was a Downey Police handle. Witness [redacted] was told by a K-9 unit to request resources from their department, if they were unavailable, LASD resources would respond. Neither Witness [redacted] nor Witness [redacted] requested any additional resources from Downey Police.**

Suspect Hess began walking north, in the direction of his house. Deputies moved patrol cars closer to keep the distance between them the same. Witnesses [redacted] and [redacted] decided they were going to go "hands on" with Suspect Hess. They left the cover of their vehicle, followed by Witness [redacted] As they closed the distance with Suspect Hess, Witness [redacted] pulled out his taser. Suspect Hess saw them and turned to face them. Suspect Hess said, "Don't shoot me with taser" while pulling up his jacket and exposing a handgun in his left front pant pocket. Witnesses [redacted], [redacted] and [redacted] retreated back behind the Downey vehicle. Deputies had moved to the Downey vehicle, and were now using it as cover. Witness [redacted] and [redacted] took positions behind the deputies.

Witness Saenz, hearing deputies say Suspect Hess had a gun, and seeing the gun himself, directed deputies to deploy the stun bags. Deputies Magana and [redacted] fired 4 rounds each from their stun bags, striking Suspect Hess 6-8 times. Suspect Hess turned his back while they were firing and the rounds struck him in the back and side. The stun bag rounds had no effect on Suspect Hess. Suspect Hess reached into

his pocket and pulled a gun out with his left hand. Suspect Hess held the gun in the air saying, "If you shoot me again with that (stun bag) I'm going to point this at you."

Suspect Hess held the gun up for a short time, and started turning toward the deputies while lowering the gun in their direction. Deputies [redacted], Cariaga, Mendoza, Magana, Segura, and Gemmill fired at Suspect Hess. Suspect Hess was struck numerous times, and fell to the ground on his back. Suspect Hess still held the gun in his left hand. Suspect Hess started to sit up and lift his upper body/shoulders off the ground. Suspect Hess simultaneously lifted the gun in the direction of the deputies. Deputies [redacted], Cariaga, Magana, and Segura fired a second volley at Suspect Hess. Suspect Hess laid on his back and did not move. Deputies could see Suspect Hess was still breathing due to the cold night air.

Deputies requested SEB for their armored vehicle, and continued to monitor Suspect Hess. Sergeant Saenz and deputies formed a team to approach Suspect Hess after they could no longer see his breath. Sergeant Saenz had a deputy take a video **[EXHIBIT B, FOLDER G]** of the scene for evidence purposes then made their approach. As they neared Suspect Hess he appeared deceased. Sergeant Saenz had a deputy take several quick photographs. Deputy [redacted] removed the gun from Suspect Hess' hand, and moved it a few feet away from Suspect Hess. Deputy [redacted] rolled Suspect Hess on to his stomach, and handcuffed him. Fire personnel, who were staged down the street, responded and pronounced Suspect Hess deceased.

> **IAB Note: Witness Saenz could not remember the names of the deputies he assigned to take video, and photographs of the scene.**

IAB investigators were able to obtain bodycam **[EXHIBIT B, FOLDERS A & B]** and dash cam video **[EXHIBIT B, FOLDER C]** from Downey Police. The bodycam videos are broken up into smaller videos and show different aspects of the incident. Most of the video is of the negotiations between law enforcement and Suspect Hess. The bodycam video also shows Witnesses [redacted] and [redacted] approach toward Suspect Hess and when he lifts his shirt showing his gun. The actual shooting was not captured as Witnesses [redacted] and [redacted] retreated and took positions behind deputies. The dash cam video shows the street, and sheriff's vehicles. The last portion depicts Deputy Magana fire a stun bag and then he, and Deputy Segura fired their handguns. Suspect Hess is not seen during the shooting. With the assistance of Homicide Detective Adam Kirste, IAB Investigators obtained video from Witness [redacted] cell phone **[EXHIBIT B, FOLDER D]**. Witness [redacted] took six videos during the incident which captured Suspect Hess' actions prior to the shooting. The shooting was not captured on video.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Robert Hess by Deputies [redacted], Brian Gemmill, Juan Seguara Cisneros, Sean Cariaga, Joseph Mendoza, And Ernest

Magana. In the Letter of Opinion [EXHIBIT C], dated June 29, 2018, Deputy District Attorney Shannon Presby concluded Deputies [redacted], Gemmill, Segura Cisneros, Cariaga, Mendoza, and Magana acted lawfully in self-defense, and in defense of others.

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted], Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	[redacted]
Date Assigned to Industry Station:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Forensic Identification Specialist (FIS) Jane Mak from the Crime Lab responded to Industry Station for the purpose of photographing the deputies and taking custody of the weapons fired in this incident. Deputy [redacted] rendered his weapon (Colt M4 carbine, 5.56x45mm semi-automatic rifle, serial #[redacted], taken from the sergeant Tahoe) safe. Deputy [redacted] weapon was loaded with twenty three live rounds in the magazine, none in the chamber. FIS Mak took custody of the weapon.

> **IAB Note:** **Per Department training, AR-15 style rifle magazines can hold 30 rounds. Deputies are trained to load the magazine to capacity and then remove two or three rounds to extend the life of the springs that feed the rounds upward into the weapon chamber.**

Brian W. Gemmill, Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	June 25, 2007
Date Assigned to Industry Station:	June 01, 2014
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Deputy Gemmill's shotgun (Remington 870, serial #[redacted]) was loaded with four live shotgun shells. Deputy Gemmill stated he reloaded the shotgun during the incident. FIS Mak took custody of the shotgun.

Juan C. Segura Cisneros, Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	September 17, 2007
Date Assigned to Industry Station:	June 01, 2014
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Deputy Segura rendered his weapon (Smith & Wesson M&P 9, 9MM semi-automatic pistol, serial #[redacted]) safe. His weapon was loaded with one live round in the chamber and sixteen live rounds in the magazine. Additionally, Deputy Segura was missing one magazine from his ammo pouch on his duty weapon. FIS Mak took custody of the weapon.

IAB Note: One empty Smith & Wesson magazine was recovered at the scene.

Sean M. Cariaga, Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	October 05, 1990
Date Assigned to Industry Station:	October 03, 1999
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Deputy Cariaga rendered his weapon (Colt M4LE 5.56x45mm semi-automatic rifle serial #[redacted] safe. The weapon was loaded with one live round in the chamber and twenty six live rounds in the magazine. FIS Mak took custody of the weapon.

Joseph E. Mendoza, Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	August 04, 2004
Date Assigned to Industry Station:	September 07, 2014
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Deputy Mendoza rendered his weapon (Colt M4LE 5.56x45mm caliber semi-automatic rifle serial #[redacted]) safe. Deputy Mendoza's weapon was loaded with one live round in the chamber and 28 live rounds in the magazine. FIS Mak took custody of the weapon.

Ernest A. Magana, Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	February 05, 2007
Date Assigned to Industry Station:	July 31, 2016
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

Round Count

Deputy Magana rendered his weapon (Beretta 92FS 9mm semi-automatic pistol, serial #[redacted]) safe. Deputy Magana's weapon was loaded with one live round in the chamber and fourteen live rounds in the magazine.

IAB Note: **One Beretta magazine containing eight live rounds, was recovered at the scene. Deputy Magana stated he conducted a tactical reload during the incident. While reloading, he saw his slide was not locked back. Believing his weapon may have malfunctioned, he activated the slide and ejected one live round.**

[redacted], Deputy Sheriff, #[redacted]
East Patrol Division
Industry Station

Date of Employment:	August 13, 2014
Date Assigned to Industry Station:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	None

IAB Note: **Deputy [redacted] deployed a stun bag only during this incident.**

<u>SUSPECT INJURIES</u>

Suspect Hess was shot numerous times. He was pronounced dead at the scene.

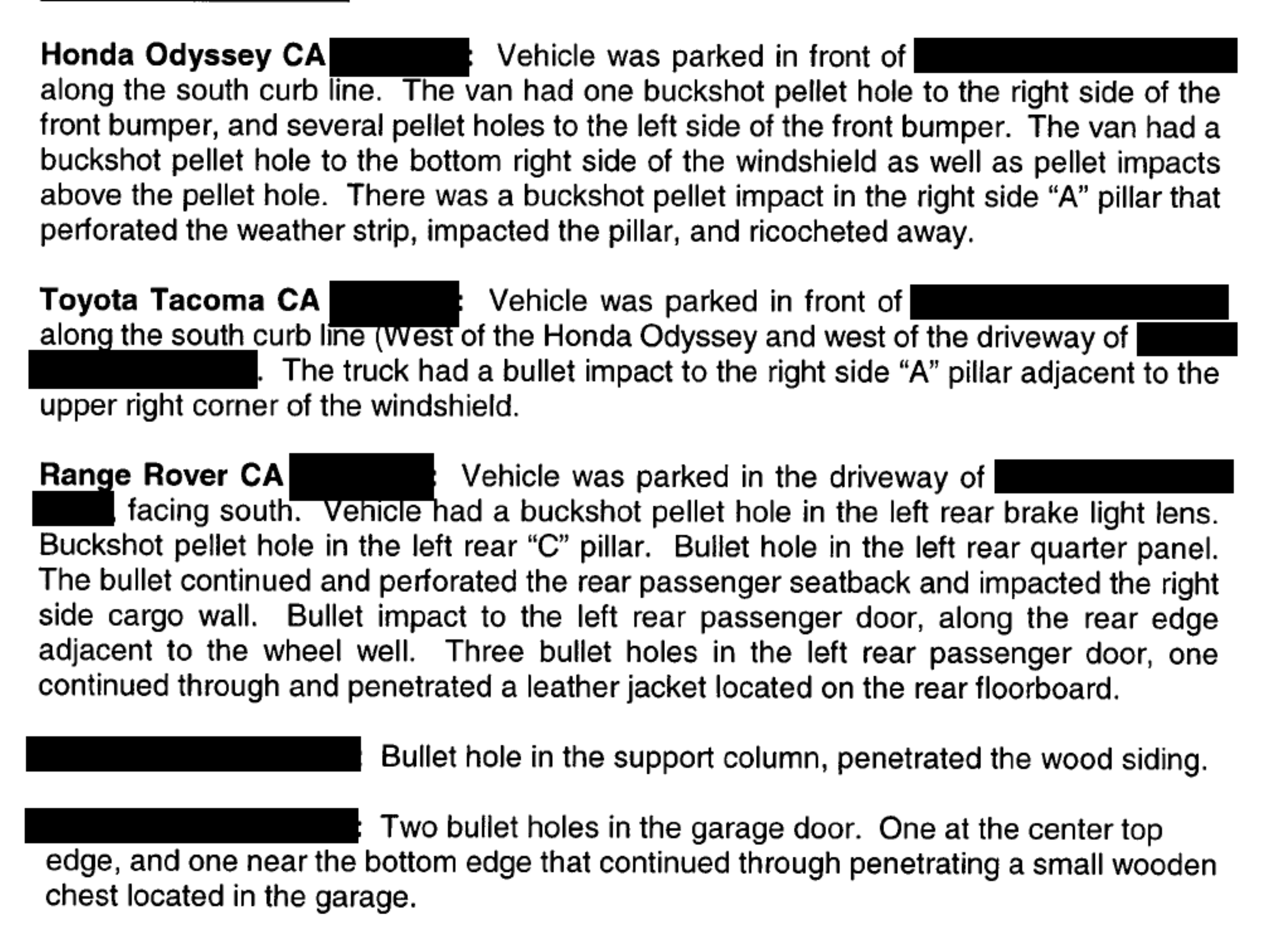
DEPUTY PERSONNEL INJURIES

Deputies were not injured during this incident.

WEAPON USED BY SUSPECT HESS

Beretta Model 950 BS, .25 semi-automatic pistol, serial #[redacted] Recovered with slide forward, safety off. The magazine was seated, and the chamber was empty. The magazine was loaded with eight live rounds.

PROPERTY DAMAGE



Honda Odyssey CA[redacted]: Vehicle was parked in front of [redacted] along the south curb line. The van had one buckshot pellet hole to the right side of the front bumper, and several pellet holes to the left side of the front bumper. The van had a buckshot pellet hole to the bottom right side of the windshield as well as pellet impacts above the pellet hole. There was a buckshot pellet impact in the right side "A" pillar that perforated the weather strip, impacted the pillar, and ricocheted away.

Toyota Tacoma CA [redacted]: Vehicle was parked in front of [redacted] along the south curb line (West of the Honda Odyssey and west of the driveway of [redacted]. The truck had a bullet impact to the right side "A" pillar adjacent to the upper right corner of the windshield.

Range Rover CA [redacted]: Vehicle was parked in the driveway of [redacted] facing south. Vehicle had a buckshot pellet hole in the left rear brake light lens. Buckshot pellet hole in the left rear "C" pillar. Bullet hole in the left rear quarter panel. The bullet continued and perforated the rear passenger seatback and impacted the right side cargo wall. Bullet impact to the left rear passenger door, along the rear edge adjacent to the wheel well. Three bullet holes in the left rear passenger door, one continued through and penetrated a leather jacket located on the rear floorboard.

[redacted]: Bullet hole in the support column, penetrated the wood siding.

[redacted]: Two bullet holes in the garage door. One at the center top edge, and one near the bottom edge that continued through penetrating a small wooden chest located in the garage.

LIGHTING AND WEATHER CONDITIONS

This incident occurred during hours of darkness. It was a cold, rainy night. During the incident it alternated from raining hard to sprinkling.

Timeline of incident videos in chronological order

IAB Note: Statements in the videos are made by Suspect Hess unless otherwise noted.

Witness [redacted] bodycam [EXHIBIT B, FOLDER A]

Video One:

00:00:02 "I am shoot me"

00:00:12 "It is easy, shoot me"

00:02:08 "I don't want any more help"

00:52:55 "Shut up, I don't want to talk to you man"

00:59:50 Witnesses [redacted] and [redacted] have started to approach Suspect Hess; "Don't reach" (Witness [redacted] as Suspect Hess lifts up his jacket)

00:59:56 "Then don't shoot me with the taser"

01:00:08 "It's time for things to be over"

01:00:45 Suspect Hess puts his hand on his gun

Video Two:

00:00:02 "Shoot me"

00:00:08 "417" (Unknown deputy)

IAB Note: 417 is the radio code used for a gun, or a "Person with a gun."

00:00:26 "Shoot me"

00:01:20 "I don't want help, I want to die"

00:01:34 Stun bags heard firing

00:01:40 "Gun" (Witness [redacted]

00:01:54 "Designated shooters only" (Unknown)

00:02:16 Gunshots heard

00:02:40 Second volley of gunshots heard

00:05:40 Suspect is down, still has gun in hand (Witness [redacted] on phone)

Video Three: Depicts deputies as they prepare to approach Suspect Hess.

Witness [redacted] bodycam [EXHIBIT B, FOLDER B]

Video One:

00:01:45 "No, I'm not going to make it easy"

00:01:55 "I don't want any more help"

00:04:45 First Sheriff unit arrives, Suspect Hess seen sitting and standing while holding dog on a leash

00:04:57 "We just want to help you" (Witness [redacted]), "That's not going to happen man" (Suspect Hess)

00:12:14 "I don't want help"

Video Two:

00:07:30 "Stun bags in case goes back towards house" (unknown deputy)

00:13:39 Downey vehicle repositioned

00:15:36 Suspect Hess starts walking in the direction of his house

00:15:50 Witnesses [redacted] and [redacted] have moved from cover towards Suspect Hess, Suspect Hess lifts his jacket showing his gun, "Don't shoot me with taser" (Suspect Hess)

00:16:03 "It's time for things to be over"

00:16:08 "Stun bag up" (Unknown)

00:16:10 "It's time for things to end"

00:16:29 "Less Lethal, stun bag, stun bag, stun bag" (Unknown deputy)

00:16:32 "Stun bag, stun bag stun bag" (On loud speaker)

00:16:42 Suspect Hess reaches for gun in his pocket

00:16:49	"Shoot me"
00:16:54	"We have a 417 in the pocket (Unknown)
00:17:14	"Shoot me"
00:17:51	When Suspect Hess is told to take his hand off the gun he responds, "No, I want to die"
00:18:09	"I don't want help, I want to die"
00:18:16	"Stun bag, stun bag, stun bag" (Unknown deputy)
00:18:22	Stun bag heard firing
00:18:36	"Put the gun down" (unknown)
00:19:04	Gunshots heard
00:19:22	"He still has the gun" (Unknown)
00:19:27	Second volley of gunshots heard

Videos three and four: Show deputies planning and preparing to approach Suspect Hess.

Dash cam [EXHIBIT B, FOLDER C] video: For the first forty minutes you can hear Downey officers giving commands to Suspect Hess, you cannot hear what Suspect Hess said in response.

00:40:27	Downey vehicle is moved
00:42:40	Deputies Magana, Segura, and Ortiz seen moving to the front of the Downey vehicle for cover
00:43:02	"It's time for things to be over"
00:43:08	"It's time to end things"
00:43:47	"Shoot me"
00:43:50	"We have a 417 in pocket" (unknown officer)
00:44:12	"Shoot me"

00:44:31 "If you shoot me with the bag, I'm going to pull my gun"

00:45:05 "I don't want help, I want to die"

00:45:20 Stun bag heard firing

00:45:27 "Gun" (unknown)

00:45:37 "Shoot me mother fuckers"

00:46:02 Gunshots heard

00:46:26 Second volley of gunshots heard

00:49:15 Witness [redacted] heard on phone calling his watch commander explaining the incident

Witness [redacted] cell phone videos [EXHIBIT B, FOLDER D]

Video One: Suspect Hess seen pacing and Witnesses [redacted] and [redacted] can be seen using their car for cover as they try to detain Suspect Hess.

00:01:40 "I don't want help"

00:03:53 Witness [redacted] asks Suspect Hess for the dog, "No, that way I don't have to die alone"

00:08:36 "Come on Mr. Hess" (Witness [redacted]); "No, I'm ready to die"

00:09:02 "I don't want help"

Video Two is only 2 seconds long

Video Three: Continued commands from Witnesses [redacted] and [redacted], and pacing by Suspect Hess

00:13:49 When asked what it was going to take for him to cooperate, "It's not going to happen"

Video Four:

00:00:15 "Shut up man, I don't want to talk to you"

Video Five:

00:00:24 "Shoot me"

00:00:42 **"No, I want to get shot"**

00:00:50 **"Shoot me"**

00:01:09 **"If you shoot me with the bag, I'm going to pull the gun and you're going to shoot me"**

00:01:27 **When told to take his hand off his gun, "No, I want shot"**

00:01:43 **"I don't want help, I want to die"**

00:01:59 **Stun bags heard firing**

00:02:06 **"Shoot me again I'm going to point it at you, fuck you"**

00:02:12 **Suspect Hess can be seen standing with his left arm extended out from the shoulder approximately head high. Suspect Hess is holding a gun in his left hand.**

00:02:15 **"Shoot me mother fuckers"**

Video Six: Only 1 second in length

IAB Investigators obtained voiceprints of Dispatch-14, ATAC, and the call from Witness [redacted] to Industry station advising them he and Witness [redacted] were Code-5 in their area.

Dispatch-14:

00:01 **Call for assistance from Downey Police (2147 hours)**

19:25 **Request for fire to roll up to scene (2323 hours)**

ATAC:

00:15 **Request for K-9**

08:00 **K-9 advises they just got off the phone with Downey officers who are going to request their own K-9**

11:11 **Confirmed 417**

12:48 **417 in hand**

13:15 **998 (Radio code for deputy involved in a shooting)**

INTERVIEWS:

The following narratives are intended as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

Involved Personnel Interviews

Homicide Interview

On December 20, 2016, Deputy [redacted] was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 49-51]**. Refer to Homicide transcript for complete interview.

IAB Interview

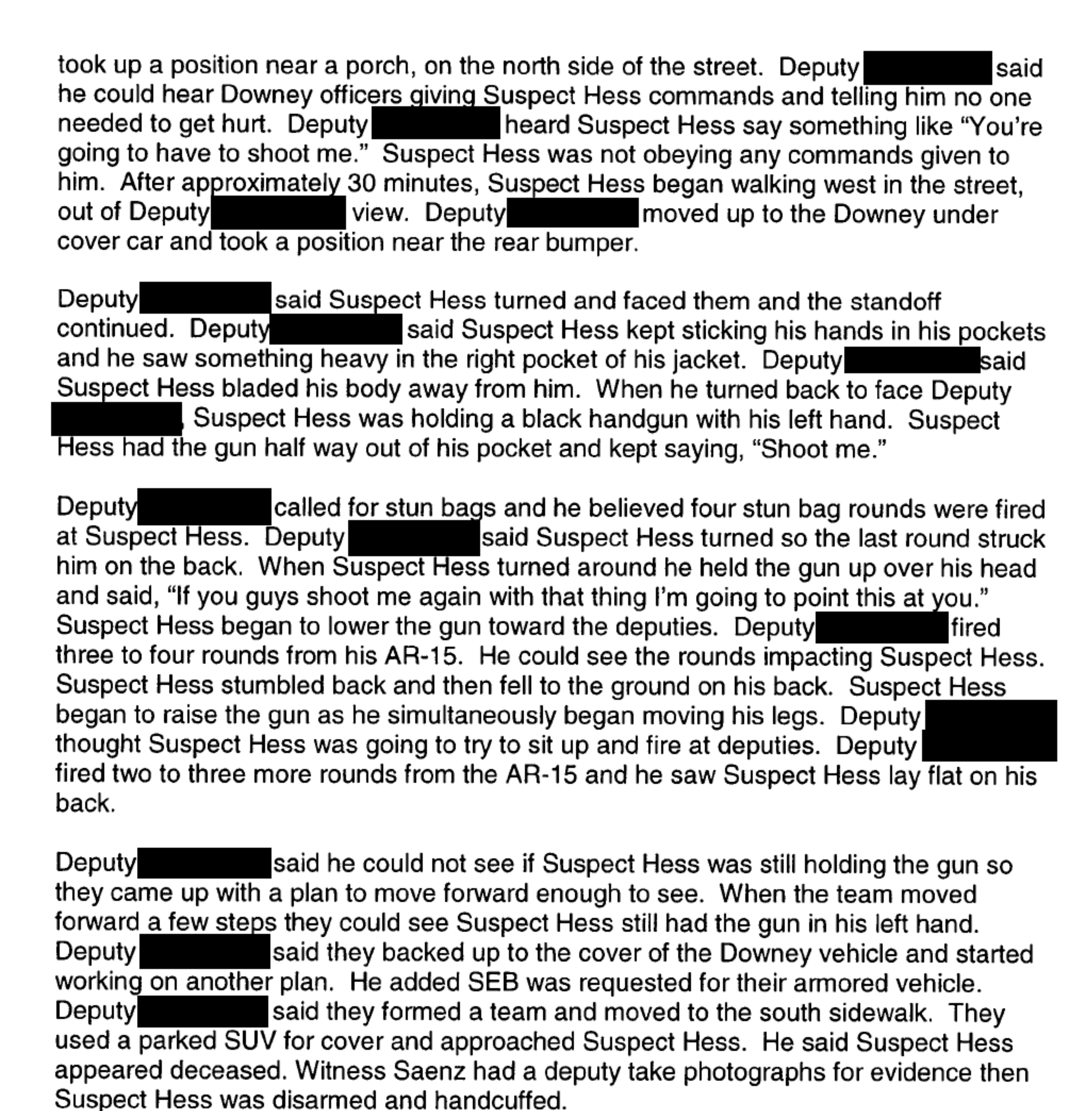
Deputy [redacted]

On January 14, 2019, at approximately 1023 hours, IAB Sergeants John Steele and Omar Camacho interviewed Deputy [redacted] at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Deputy [redacted]. Deputy [redacted] has been a deputy for the Los Angeles County Sheriff's Department since 2005, and was assigned to Industry Station.

On December 15, 2016, Deputy [redacted] was assigned as a detective to Industry Station. He worked his Detective Bureau position during day shift and was assigned overtime as 141E on PM shift. Deputy [redacted] said he saw a mobile digital computer (MDC) message come out during PM shift, telling everyone Downey PD was in the area looking for someone. At the end of his PM shift, Deputy [redacted] cleaned out his assigned radio car and was walking into the station when he heard an assistance request go out over the radio. Deputy [redacted] jumped back into his car and responded to the location.

Deputy [redacted] arrived and pulled his car toward the south curb line of Windrush Drive. He pointed his spotlight at Suspect Hess, who was sitting on a low retaining wall on the south side of the street. Deputy [redacted] could hear a Downey police officer giving commands to Suspect Hess. Deputy [redacted] heard them saying "Hey, we don't want to hurt you." Deputy [redacted] stated he did not have a good view of Suspect Hess from his car so he moved to the passenger side of Witness Saenz' Tahoe. From there he was told by Witness Saenz, Suspect Hess said he had a gun. Deputy [redacted] added he did not see a gun at this point.

Witness Saenz told Deputy [redacted] to grab the AR-15 out of the Tahoe and assigned him to be a designated shooter. Deputy [redacted] grabbed the AR-15 and



took up a position near a porch, on the north side of the street. Deputy [redacted] said he could hear Downey officers giving Suspect Hess commands and telling him no one needed to get hurt. Deputy [redacted] heard Suspect Hess say something like "You're going to have to shoot me." Suspect Hess was not obeying any commands given to him. After approximately 30 minutes, Suspect Hess began walking west in the street, out of Deputy [redacted] view. Deputy [redacted] moved up to the Downey under cover car and took a position near the rear bumper.

Deputy [redacted] said Suspect Hess turned and faced them and the standoff continued. Deputy [redacted] said Suspect Hess kept sticking his hands in his pockets and he saw something heavy in the right pocket of his jacket. Deputy [redacted] said Suspect Hess bladed his body away from him. When he turned back to face Deputy [redacted], Suspect Hess was holding a black handgun with his left hand. Suspect Hess had the gun half way out of his pocket and kept saying, "Shoot me."

Deputy [redacted] called for stun bags and he believed four stun bag rounds were fired at Suspect Hess. Deputy [redacted] said Suspect Hess turned so the last round struck him on the back. When Suspect Hess turned around he held the gun up over his head and said, "If you guys shoot me again with that thing I'm going to point this at you." Suspect Hess began to lower the gun toward the deputies. Deputy [redacted] fired three to four rounds from his AR-15. He could see the rounds impacting Suspect Hess. Suspect Hess stumbled back and then fell to the ground on his back. Suspect Hess began to raise the gun as he simultaneously began moving his legs. Deputy [redacted] thought Suspect Hess was going to try to sit up and fire at deputies. Deputy [redacted] fired two to three more rounds from the AR-15 and he saw Suspect Hess lay flat on his back.

Deputy [redacted] said he could not see if Suspect Hess was still holding the gun so they came up with a plan to move forward enough to see. When the team moved forward a few steps they could see Suspect Hess still had the gun in his left hand. Deputy [redacted] said they backed up to the cover of the Downey vehicle and started working on another plan. He added SEB was requested for their armored vehicle. Deputy [redacted] said they formed a team and moved to the south sidewalk. They used a parked SUV for cover and approached Suspect Hess. He said Suspect Hess appeared deceased. Witness Saenz had a deputy take photographs for evidence then Suspect Hess was disarmed and handcuffed.

Deputy Brian Gemmill

Homicide Interview

On December 16, 2016, Deputy Brian Gemmill was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 34-37].** Refer to Homicide transcript for complete interview.

IAB Interview

On January 14, 2019, at approximately 1023 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Deputy Brian Gemmill at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Deputy Gemmill. Deputy Gemmill has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Deputy Gemmill was working EM shift unit 144F2 at Industry Station. Deputy Gemmill responded to Windrush Drive regarding an assistance request from Downey PD, who was detaining a suspect at gunpoint. Deputy Gemmill said it took about 5 minutes for him to respond to the location. Upon his arrival, Deputy Gemmill saw two Downey officers and their unmarked vehicle on the north side of the street. He additionally saw Suspect Hess on the south side of the street, holding a dog on a leash.

Deputy Gemmill said the Downey officers were telling Suspect Hess to get on the ground and surrender. He added the Downey officers were almost pleading with Suspect Hess, who was being completely uncooperative. Deputy Gemmill said Suspect Hess responded to the Downey officers with profanity and said several times they were going to have to shoot him. Deputy Gemmill grabbed his shotgun because Suspect Hess had a German Shepherd with him. Deputy Gemmill said they requested a sheriff K-9 unit, however, they did not respond due to this being Downey's incident.

Deputy Gemmill stated the standoff went on for some time. Suspect Hess appeared to get tired of waiting, started walking westbound away from deputies. Deputy Gemmill said deputies moved forward to keep the distance the same between them and Suspect Hess. Deputy Gemmill took a position near a radio car. Suspect Hess continued to disobey the commands and lifted up his shirt. Deputy Gemmill stated one of his partners said Suspect Hess had a gun. The order for stun bags was given and Suspect Hess was hit several times. The stun bags had no effect on Suspect Hess. Deputy Gemmill stated "It was like he was a kid getting shot with Nerf darts." Suspect Hess raised his left hand over his head. Suspect Hess said "I'm going to point it at you if you shoot me with that again." Deputy Gemmill said Suspect Hess was slowly turning to face deputies and started bringing his hand down. As Suspect Hess lowered his hand, Deputy Gemmill saw he had a gun in his hand. Suspect Hess lowered the gun and aimed it toward the deputies near the Downey police vehicle. Deputy Gemmill fired his shotgun at Suspect Hess, but it did not seem to have an effect on him. Deputy Gemmill fired his shotgun 3 more times and Suspect Hess went to the ground on his back.

Deputy Gemmill said Suspect Hess started to raise his head and upper body as if he were sitting up. Suspect Hess also raised his gun towards the deputies near the Downey vehicle. Deputy Gemmill attempted to fire his shotgun again but he had no more rounds. Deputy Gemmill slung the shotgun around his back and pulled his

handgun out. By the time Deputy Gemmill got his handgun out, deputies had fired a second volley. Suspect Hess was now lying flat on his back not moving.

Deputy Gemmill said he could still see Suspect Hess' breath in the cold night air. Deputy Gemmill said SEB was requested, but deputies formed a team and approached Suspect Hess from the south side of the street. Deputy Gemmill added he was not part of that team. After the team approached, fire personnel responded to attend to Suspect Hess.

Deputy Juan Carlos Segura Cisneros

Homicide Interview

On December 20, 2016, Deputy Juan Segura was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 42-44].** Refer to Homicide transcript for complete interview.

IAB Interview

On January 16, 2019, at approximately 1009 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Deputy Juan Segura at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Deputy Segura. Deputy Segura has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Deputy Segura was working EM shift unit 141 in the city of Industry. He responded to an assistance request from Downey police, who were detaining a criminal threats suspect at gunpoint. When he arrived he saw Downey officers (Witnesses [redacted] and [redacted]) detaining Suspect Hess at gunpoint. Suspect Hess was near the south curb line with a dog on a leash. Witnesses [redacted] and [redacted] were giving him commands to give up, lay on the ground, and let go of his dog. Deputy Segura said Suspect Hess sometimes verbally responded to the commands, but did not follow any directions given to him. Deputy Segura said he was informed Suspect Hess was armed with a handgun, but he did not see a gun. Deputy Segura took a position on the passenger side of Deputy Cariaga's patrol vehicle, east of Suspect Hess.

Deputy Segura said Sergeant Saenz assigned deputy personnel as designated shooters, and less lethal. Sergeant Saenz designated Deputy Segura as part of the arrest team. Deputy Segura was relieved to go put on his Kevlar helmet, then returned to his position. Deputy Segura said this incident went on for 45 minutes or more. K-9, SEB, and Aero were requested and Deputy Segura thought a crisis negotiator may have been requested too. He added that Los Angeles County Fire was requested and staged down the street.

Deputy Segura said Suspect Hess started walking west, away from deputies. Deputy Segura stated Witnesses [redacted] and [redacted] started "shadowing" him, and moved west along the north curb line. Suspect Hess stopped and turned toward them while lifting his shirt. Deputy Segura said he saw a gun in Suspect Hess' waistband and heard everyone saying he had a gun. Sergeant Saenz directed deputies to fire the stun bag. Deputy Segura believed 8 stun bag rounds struck Suspect Hess, but had no effect on him. Suspect Hess turned his back to the deputies as they were firing the stun bag at him. Deputy Segura heard him say either, "I'm going to kill you," or "I'm going to shoot you." Suspect Hess turned slowly back toward the deputies and he was now holding a small handgun in his left hand. Deputy Segura stated Suspect Hess' arms were down and bent at the elbows. Suspect Hess' hands were just higher than waist level, outstretched from his body.

Deputy Segura said, "At that point I don't know why, but I lost my hearing and I got tunnel vision on the gun. And it just got magnified to me. And after that I'm not sure if he was turning slow or my brain interpreted it as slow, but he started turning, turning, and I saw the barrel of the gun coming. It was coming like a clock. And, and it was just coming, coming, coming, coming, coming." Deputy Segura said when Suspect Hess' gun was about to be pointed at him and his partners he couldn't wait anymore. Deputy Segura feared he or his partners would be shot and he fired his gun approximately 13-14 times. Deputy Segura stated he lined up his front sight and fired center mass but his rounds were having no effect on Suspect Hess. Suspect Hess was not going down and he still had the gun in his hand. Deputy Segura fired his gun until Suspect Hess fell to the ground.

Deputy Segura said Suspect Hess fell to the ground on his back, still holding the gun in his left hand. Suspect Hess lifted the gun up and pointed it in the direction of Deputy Segura and his partners. Deputy Segura fired a second volley at Suspect Hess and felt his gun go dry. Deputy Segura reloaded his handgun and reassessed the situation, but Suspect Hess' hand and gun were now on the ground. Deputy Segura could still see Suspect Hess' breath and knew he was still alive.

Deputy Segura said they held Suspect Hess at gunpoint while they came up with a plan to approach him. Deputy Segura was not part of the team that approached Suspect Hess. Deputy Segura said the team approached Suspect Hess from the south sidewalk. Deputy Newman removed the gun from Suspect Hess' hand and handcuffed him. Deputy Segura said fire personnel were called in and rendered aid to Suspect Hess.

Deputy Sean Cariaga

Homicide Interview

On December 16, 2016, Deputy Sean Cariaga was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in

the Homicide Case Book **[EXHIBIT A, Pages 39-42]**. Refer to Homicide transcript for complete interview.

IAB Interview

On February 6, 2019, at approximately 1013 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Deputy Sean Cariaga at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Deputy Cariaga. Deputy Cariaga has been a deputy for the Los Angeles County Sheriff's Department since 1991, and was assigned to Industry Station.

On December 15, 2016, Deputy Cariaga was assigned to PM shift unit 144D with his [redacted] (Deputy [redacted]). Deputy Cariaga said they were briefed before their shift regarding Downey police looking for someone in their area. Deputy Cariaga stated toward the end of his shift, Downey police requested assistance regarding detaining their suspect at gunpoint.

When he arrived on scene, Deputy Cariaga saw Witness Saenz' Tahoe and another sheriff's car in the street. He immediately saw Suspect Hess on the south sidewalk as he was illuminated by the vehicle spotlights. Suspect Hess was holding his dog on a leash, and having some form of dialogue with Witnesses [redacted] and [redacted]. Deputy Cariaga didn't remember what was being said between them, but he remembered Witnesses [redacted] and [redacted] were attempting to get Suspect Hess to comply with their commands.

Deputy Cariaga said this went on for over 30 minutes. During that time, he was told to return to his car and put on his Kevlar helmet. Deputy Cariaga retrieved his helmet and a protective outer vest and returned to his position near the sheriff's vehicle positioned along the south side of Windrush Drive.

Deputy Cariaga said the standoff continued for a time then Suspect Hess started to move west away from them. They moved the sheriff's vehicles forward and Deputy Cariaga shifted his position so he was behind the Downey vehicle. As Suspect Hess continued to walk west, Witnesses [redacted] and [redacted] moved out from behind cover to try and flank Suspect Hess. Someone yelled at them to get back out of the line of fire.

Witness Saenz directed deputies to fire a stun bag at Suspect Hess. Deputy Cariaga said Deputy [redacted] fired his stun bag striking Suspect Hess in the back. Suspect Hess did not appear to be affected at all. Deputy Cariaga said, "This is where everything just kind of slows down, and I remember at one point after him being shot and saying if you do that again, I'm gonna shoot you, or kill you, or something." Deputy Cariaga said Suspect Hess pulled his jacket to the side and he could see a gun in his waistband. Suspect Hess pulled the gun out and held it in his left hand.

Deputy Cariaga stated Suspect Hess slowly started turning towards them. Deputy Cariaga said, "I remember him slowly turning clockwise with the gun in his hand and he's coming around in our direction slowly, slowly. And I remember thinking, I -- I

couldn't believe what I was seeing. And I remember feeling that because I was a designated shooter, that I'm responsible for everybody behind me and when it came to a certain angle, I realized there's -- there's no getting around this. This is gonna happen right now." Deputy Cariaga fired two rounds from his AR-15 and reassessed. He heard numerous shots being fired and thought they were missing Suspect Hess because he did not fall to the ground. Suspect Hess finally went to the ground on his back. Deputy Cariaga was surprised when he saw Suspect Hess start to sit up. Suspect Hess started to raise the gun up again, Deputy Cariaga fired one round from his AR-15 and heard another volley of rounds fired. Suspect Hess went down and did not move again.

Deputy Cariaga got together with Witness Saenz and additional deputies and they came up with a plan. They approached Suspect Hess from his south side. Deputy [redacted] grabbed his left arm and removed the gun from his hand. Deputy Cariaga said Suspect Hess still had the gun in his left hand with his finger on the trigger. Deputy [redacted] put handcuffs on Suspect Hess and they called fire personnel.

Deputy Joseph Mendoza

Homicide Interview

On December 16, 2016, Deputy Joseph Mendoza was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 37-39].** Refer to Homicide transcript for complete interview.

IAB Interview

On January 22, 2019, at approximately 1109 hours, IAB Sergeants John Steele and Omar Camacho interviewed Deputy Joseph Mendoza at the Internal Affairs Bureau office. Attorney Amy Johnson from the Law Offices of Rains, Lucia, and Stearns attended the interview representing Deputy Mendoza. Deputy Mendoza has been a deputy for the Los Angeles County Sheriff's Department since 2004, and was assigned to Industry Station.

On December 15, 2016, Deputy Mendoza was working unit 144F in the city of Industry. He heard his [redacted] (Deputy Magana) receive a call indicating Downey police were detaining a 245PC suspect. Deputy Mendoza said he continued monitoring the call and it started to sound like it was developing into something. Deputy Mendoza responded to the location on Windrush Drive, he said his response took approximately 10-15 minutes.

When Deputy Mendoza arrived at the intersection of Windrush Drive and White Cloud Drive, he saw people congregating at the corner. He also saw an independent news cameraman, so he stopped and set up crime scene tape. Deputy Mendoza grabbed his helmet and AR-15 and relieved Deputy Cariaga so he could retrieve his helmet. Deputy Mendoza was positioned near a Sheriff's vehicle that was near the south curb line, east of Suspect Hess. Deputy Mendoza was told by Witness Saenz that he was to be a

designated shooter. Deputy Mendoza said he did not remember a lot of dialogue between Suspect Hess and deputies/officers on scene.

Deputy Mendoza said the Downey officers moved their car so it would face Suspect Hess more. He believed the Tahoe was also moved. Deputy Mendoza said Suspect Hess was no longer content standing where he was and started walking west, away from them. Deputy Mendoza shifted his position to the trunk area of the Downey vehicle.

Deputy Mendoza said Witness Saenz directed deputies to deploy the stun bag on Suspect Hess. Suspect Hess was struck four times on the back and he "didn't even flinch." Suspect Hess stopped and turned back toward the deputies. Suspect Hess was now holding a gun in his hand with his finger on the trigger. Suspect Hess held the gun in the air and said, "If you shoot me with that again I'm going to use this." Suspect Hess then started to lower his arm, bringing the gun down. Deputy Mendoza fired one round at center mass and heard a barrage of gunfire. Suspect Hess fell to the ground on his back. Deputy Mendoza remembered a second volley of gunfire, but did not remember when it was fired. He felt there was only a short break in the gunfire. Deputy Mendoza said he was at a range of approximately 15 to 20 feet when he fired. He added, once Suspect Hess fell to the ground, his sight picture changed and he no longer had a good shot.

Deputy Mendoza said they could see Suspect Hess breathing and he still held the gun in his hand. They gave him commands to toss the gun away, but he never moved. They formed a team to approach Suspect Hess, using a ballistic shield. Deputy Mendoza was part of the team carrying his AR-15 for lethal cover. Deputy Mendoza said when they approached Suspect Hess he had already stopped breathing. Deputy Mendoza said Suspect Hess was clearly deceased so they took a quick photograph of him holding the gun then handcuffed him.

Deputy Mendoza said they requested a K-9 unit, and a crisis negotiator during the incident. He added they requested SEB for their armor vehicle, but they kept getting shut down because it was not a Sheriff's Department handle.

Deputy Ernest Magana

Homicide Interview

On December 16, 2016, Deputy Ernest Magana was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 45-47].** Refer to Homicide transcript for complete interview.

IAB Interview

On January 30, 2019, at approximately 1307 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Deputy Ernest Magana at the Internal Affairs Bureau office. Attorney Amy Johnson from the Law Offices of Rains, Lucia, and Stearns attended the interview representing Deputy Magana. Deputy Magana has been a deputy for the Los Angeles County Sheriff's Department since 2008, and was assigned to Industry Station.

On December 15, 2016, Deputy Magana was on training working unit 144K1. Deputy Magana responded to the 15600 block of Windrush Drive in Hacienda Heights regarding an assistance request from Downey police. When he arrived he saw several sheriff's vehicles in the street illuminating Suspect Hess, who was on the south curb line. He also saw a Downey vehicle and officers (Witnesses [redacted] and [redacted] giving Suspect Hess commands to lay down and surrender. Deputy Magana said Suspect Hess was very uncooperative, and would not comply with any commands.

Deputy Gemmill told Deputy Magana to retrieve his stun bag. Deputy Magna retrieved his stun bag and took a position at the passenger side of Sergeant Saenz' Tahoe. Deputy Magana said for approximately 30 minutes the negotiations went on with Suspect Hess who remained uncooperative. At some point, it was decided they were going to move the Tahoe and another sheriff's vehicle forward. As they started moving the vehicle forward, Suspect Hess stepped off the curb and started walking west away from them.

Deputy Magana said several deputies repositioned themselves around the Downey vehicle. Deputy Magana took a position near the front bumper of the vehicle with Deputy Segura on his left, and Deputy Ortiz on his right. Deputy Magna heard they were going to deploy stun bags on Suspect Hess. Suspect Hess pulled up his shirt, and jacket displaying a firearm. Deputy Magana heard someone yelling "Stun bag" but nothing happened. Deputy Magana said eventually Deputy [redacted] fired a stun bag round striking Suspect Hess. The round had no effect so Deputy Magana fired his stun bag. Deputy Magana fired four rounds from his stun bag striking Suspect Hess three times on his right side. Deputy Magana said the rounds had zero effect on Suspect Hess. Suspect Hess initially ducked to his left, and when he came back up he was holding a firearm in his left hand. Deputy Magana said Suspect Hess had his arms held out around chest level. Deputy Magana could see Suspect Hess' finger on the trigger of the gun as he told deputies he would shoot or kill them if they shot him again with the stun bag.

Deputy Magana put his stun bag down and transitioned to his handgun. Deputy Magana said they kept giving Suspect Hess orders, but he turned and pointed the gun toward Deputy Magana and his partners. Fearing Suspect Hess was going to kill one of them, Deputy Magana fired approximately 5 rounds. Suspect Hess fell to the ground on his back still holding the gun. Suspect Hess started lifting the gun up again, pointing it in the direction of Deputy Magana. Deputy Magana fired 2-3 rounds at Suspect Hess. Suspect Hess' arm falls back to the ground, but is still holding the gun. Deputy Magana

said they formed an arrest team to approach Suspect Hess. Deputy Magana said as the team neared Suspect Hess, he holstered his gun. After the deputies handcuffed Suspect Hess they called in fire personnel who pronounced Suspect Hess deceased.

Deputy Magana remembered resources being requested as well as some discussion if sheriff K-9 or Downey police K-9 and SWAT should respond. Deputy Magana was not part of the discussion and did not know what the end result was.

Deputy [redacted]

Homicide Interview

On December 16, 2016, Deputy [redacted] was interviewed by Homicide Investigators Joseph Ramirez and Raymond Lugo. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 47-49].** Refer to Homicide transcript for complete interview.

IAB Interview

On January 15, 2019, at approximately 1422 hours, IAB Sergeants John Steele and Omar Camacho interviewed Deputy [redacted] at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Deputy [redacted]. Deputy [redacted] has been a deputy for the Los Angeles County Sheriff's Department since 2015, and was assigned to Industry Station.

On December 15, 2016, Deputy [redacted] was on [redacted] and working unit 144D in the city of Industry with his [redacted], Deputy Cariaga. They responded to an assistance request from Downey police regarding an assault with a deadly weapon suspect. When they arrived, Deputy [redacted] saw Downey officers giving Suspect Hess commands. Suspect Hess was standing on the sidewalk. Deputy Cariaga told Deputy [redacted] to grab their stun bag. Deputy [redacted] retrieved their stun bag from the trunk of their vehicle and moved up to a sheriff's car, where he took cover behind the passenger door.

Deputy [redacted] said Downey officers (Witnesses [redacted] and [redacted]) were giving Suspect Hess commands to lay down, let his dog go, and more. Suspect Hess was verbally responding but would not cooperate. Suspect Hess started walking down the street away from them. Deputy [redacted] said they moved the SUV forward and followed him at a distance of about 25 yards. Suspect Hess pulled up his shirt and Deputy [redacted] saw he had a gun in his waistband. Deputy [redacted] was directed to deploy his stun bag. Deputy [redacted] fired one round, which had no effect. Deputy [redacted] fired three more rounds emptying his gun. Deputy [redacted] said he thought he hit Suspect Hess with all four rounds, but they had no effect.

Deputy [redacted] said Suspect Hess bladed his body and when he turned back he had a gun in his left hand. Suspect Hess pointed the gun at the deputies and deputies shot at him. Deputy [redacted] saw Suspect Hess fall to the ground on his back. Suspect Hess tried to get up, and Deputy [redacted] described his action as doing a crunch or sit up. Suspect Hess lifted his upper body up and pointed the gun at deputies again. Deputies fired a second volley at Suspect Hess who went back to the ground and did not move.

Deputy [redacted] said they requested SEB, for their armored vehicle, and formed an approach team. Deputy [redacted] was tasked with securing Suspect Hess' weapon and handcuffing him. Deputy [redacted] said the team approached Suspect Hess from the south side of the street, opposite of where the gun was. Deputy [redacted] said Suspect Hess was still holding the gun with his finger on the trigger. He secured Suspect Hess' arm to the ground and removed the gun from his hand. Deputy [redacted] did a quick search for additional weapons then turned Suspect Hess over onto his stomach and handcuffed him. Deputy [redacted] said fire personnel were summoned to check on Suspect Hess. Deputy [redacted] stated he did not shoot at Suspect Hess with anything other than the stun bag.

Sworn Personnel Witness Interviews

Homicide Interview

On December 20, 2016, Witness Henry Saenz was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 88-89].**

IAB Interview

Witness Sergeant Henry Saenz

On December 13, 2018, at approximately 1007 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness Saenz at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Witness Saenz. Witness Saenz has been a deputy for the Los Angeles County Sheriff's Department since 2000 and held the rank of sergeant since 2014.

On December 15, 2016, Witness Saenz was working a PM shift/EM shift double. Witness Saenz said on PM shift a call was dispatched to check the area for a suspect vehicle in Hacienda Heights. Witness Saenz said he did not hear anything else about it until EM shift when he was the field sergeant. A call for assistance from Downey PD was broadcast, indicating Downey officers were detaining an assault with a deadly weapon (245PC) suspect at gunpoint. Witness Saenz responded in approximately 2 minutes. Witness Saenz was the first person on scene and saw two Downey police officers (Witnesses [redacted] and [redacted]) detaining a male at gunpoint. Witness Saenz saw Suspect Hess on the south curb line with his dog. The Downey officers were west

of Suspect Hess. Witness [redacted] yelled Suspect Hess was claiming to have a gun. Witness Saenz relayed that information, via radio, to the responding deputies.

Witness Saenz stated Witnesses [redacted] and [redacted] were giving Suspect Hess commands attempting to gain his compliance. Witness Saenz let Witnesses [redacted] and [redacted] continue to contact Suspect Hess while he assigned duties to arriving deputies. Witness Saenz assigned Deputies [redacted] Cariaga, and Mendoza as designated shooters. Witness Saenz assigned Deputies Magana and [redacted] as less lethal. Witness Saenz assigned Witness Benavides to communicate with the Downey officers so they could relay information via radio. Witness Saenz said this was a Downey Police operation and we (Sheriff's Department personnel) were there to assist them.

Witness Saenz said K9/SEB were requested and he believed a crisis negotiator was also requested. Witness Saenz stated those requests were eventually denied after it was determined this incident was the responsibility of the Downey Police Department. Witness Saenz relayed that information to either Witness [redacted] or Witness [redacted] telling them they needed to request additional resources from their department.

Witness Saenz said the incident went on for approximately 45 minutes to an hour. Witnesses [redacted] and [redacted] continually gave direction to Suspect Hess, who did not comply. Witness Saenz stated Suspect Hess made several motions as if he were pulling a gun or other weapon from his pocket. Witness Saenz believed Suspect Hess did this in an attempt to have a deputy shoot him. Witness Saenz said Suspect Hess even pulled an umbrella out of his jacket at one point. Suspect Hess started walking away from deputies in the direction of his house. Witnesses [redacted] and Benavides paralleled him along the north curb line, leaving their cover. Suspect Hess moved his hand near his left pocket and Witness Saenz directed deputies to fire the stun bags.

Deputies Magana and [redacted] fired stun bags, striking Suspect Hess. Witness Saenz said the rounds were hitting Suspect Hess, but had no visible effect on him. Suspect Hess turned his body so his back was to Witness Saenz, and pulled a gun out of his pocket with his left hand. Witness Saenz said deputies began to shoot at Suspect Hess. Suspect Hess fell to the ground on his back. Witness Saenz yelled for deputies to stop firing and the deputies ceased fire. Suspect Hess still had a gun in his left hand, and he began moving it. Deputies fired a second volley of rounds at Suspect Hess. Witness Saenz again yelled for deputies to stop firing and the deputies ceased fire.

Witness Saenz said they watched Suspect Hess to see if he was still moving, or if he would try to point the gun at them again. Witness Saenz observed Suspect Hess to see if he was trying to bait them or point the gun at them. Witness Saenz formed a team of deputies to approach Suspect Hess. Before they approached, Witness Saenz had a deputy video tape the scene for evidentiary purposes. Witness Saenz, moved with his team, along the south sidewalk, and approached Suspect Hess. They removed the gun from Suspect Hess' hand and handcuffed him. Witness Saenz said they called in Los

Angeles County Fire personnel to treat Suspect Hess. He added they had fire personnel staging down the road, and it only took them approximately a minute to reach the scene.

Homicide Interview

On December 16, 2016, Witness Vincent Benavides was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 85-87].**

IAB Interview

Witness Deputy Vincent Benavides

On December 18, 2018, at approximately 1013 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness Vincent Benavides at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the law offices of Stone Busailah attended the interview representing Witness Benavides. Witness Benavides has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Witness Benavides was working unit 147B with Witness Ortiz. They responded to a call for assistance from Downey police who were detaining an assault with a deadly weapon suspect at gunpoint. Witness Benavides said it took approximately sixteen minutes for him and Witness Oritz to get to the location due to distance and weather. Upon arrival, Witness Benavides saw Suspect Hess standing along the south curb line. Witness Saenz directed him to make his way over to the Downey police officers (Witnesses [redacted] and [redacted]) to be a liaison, so they would have radio communication with them. Witness Benavides made his way through yards on the north side of Windrush Drive to Witnesses [redacted] and [redacted].

While Witness Benavides was with Witnesses [redacted] and [redacted] behind cover of their car, a female (Witness [redacted]) contacted them. Witness Benavides could not remember her exact words, but she told them Suspect Hess wanted police to kill him. Witness Benavides relayed this information over the radio for Department personnel to hear.

Witness Benavides said Suspect Hess walked west, past the Downey police vehicle. Witnesses [redacted], [redacted] and Benavides began to parallel him along the north curb line. When Suspect Hess stopped, they had no cover, so they retreated east, back behind the Downey vehicle. Witness Benavides said, deputies had moved west, following Suspect Hess. When Witness Benavides retreated behind the Downey vehicle, additional deputies had also taken cover behind it.

Witness Benavides said they kept trying to get Suspect Hess to comply with commands, but he was uncooperative. Witness Benavides saw a handgun sticking out of Suspect

Hess' left front pant pocket when he lifted up his shirt. Suspect Hess turned his body so they couldn't see his left arm or waistband area. Witness Saenz directed deputies to fire stun bags at Suspect Hess. Witness Benavides said the stun bag rounds hit Suspect Hess in the back, but had no effect on him. Suspect Hess then turned and said something to the effect of, "Oh you guys fired those at me." Suspect Hess then pulled out a gun with his left hand, pointing it in the air. Deputies gave more commands for him to drop the gun. Suspect Hess rotated his body and pointed the gun in the direction of the deputies who were behind the Downey vehicle. Witness Benavides said deputies fired at Suspect Hess who fell to the ground on his back.

Homicide Interview

On December 16, 2016, Witness Jose Cruz was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 83-84].**

IAB Interview

Witness Deputy Jose Cruz

On December 18, 2018, at approximately 1337 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness Jose Cruz at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the law offices of Stone Busailah attended the interview representing Witness Cruz. Witness Cruz has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Witness Cruz was working PM shift as unit 141A. Witness Cruz responded to the 15600 block of Windrush Drive regarding an assistance request from Downey police who were detaining a criminal threats suspect at gunpoint. Witness Cruz responded in approximately 2 minutes. When he arrived he saw Witness Saenz was already on scene. Witness Cruz also saw two Downey officers (Witnesses [redacted] and [redacted]) giving commands to a male (Suspect Hess).

Witness Cruz took a position near a patio on the north side of the street. Witness Cruz said Witnesses [redacted] and [redacted] continued giving Suspect Hess commands to let his dog go and to surrender. Witness Cruz said this went on for approximately 40 minutes with Suspect Hess not complying with any commands. Suspect Hess began walking west, away from deputies. Witness Saenz directed Witness Cruz to move the Tahoe closer. Witness Cruz took a position between the Tahoe and another Sheriff's vehicle. Witness Cruz said a sergeant gave the command to use stun bags on Suspect Hess. Witness Cruz heard deputies say "stun bag, stun bag, stun bag." Witness Cruz heard the stun bags being fired, and saw them hitting Suspect Hess with little to no effect. Witness Cruz said it appeared Suspect Hess got upset, said "Here it is" and lifted his shirt, exposing a gun in his left pocket.

Witness Cruz said more commands were given, but Suspect Hess reached into his pocket and pulled the gun out. Suspect Hess held the gun in the air. Witness Cruz moved and took a position to the rear of a sheriff's Crown Victoria. Witness Cruz said Suspect Hess turned the gun towards the Downey police vehicle and straightened his arm out parallel. Witness Cruz said that was when deputies shot Suspect Hess. Witness Cruz did not fire due to having deputies in front of him.

Witness Cruz said Suspect Hess went down, still holding the gun in his hand. Suspect Hess raised his arm as if he was trying to point the gun at deputies, and a second volley of gunfire occurred. Witness Cruz said after the second volley, Suspect Hess still had the gun in his hand. Witness Cruz heard someone request a bearcat from SEB, but deputies used a shield and approached Suspect Hess, removing the gun from his hand. Witness Cruz stated fire personnel were staged down the street and responded to render aid. Witness Cruz was then directed to provide security for Witness [redacted] who was further east, sitting in a sheriff's vehicle.

IAB Note: A Bearcat is an armored vehicle produced by the company Lenco, and commonly used by law enforcement tactical teams (SWAT).

Homicide Interview

On December 16, 2016, Witness Jerry Tien was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 82-83].**

IAB Interview

Witness Deputy Jerry Tien

On December 18, 2018, at approximately 1221 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness Jerry Tien at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Witness Tien. Witness Tien has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

Witness Tien said he was working at Industry Station on December 15, 2016, on PM shift as unit 141A3. Witness Tien said a message was sent out by the desk advising units that Downey PD was in the area doing a stakeout for a suspect. Several hours later a call came out from Sheriff's Communication Center stating Downey PD was asking for assistance regarding an assault with a deadly weapon suspect. Witness Tien responded from the city of Industry, in approximately 5-6 minutes. When he arrived, Witness Tien saw Downey officers yelling at a male (Suspect Hess) to lay on the ground. Witness Tien took cover behind a brick wall. Witness Tien stated Downey PD officers gave numerous commands to Suspect Hess, and he would not comply with any orders, saying things like "F you" and "I don't want to talk to you."

Witness Tien said this went on for a long time. Suspect Hess eventually started walking west, away from deputies and officers. Witness Tien said the deputies moved a few cars west using the parked cars for cover. Witness Tien moved from behind the wall to the sergeant's Tahoe for cover. Suspect Hess stopped, turned toward the deputies, and lifted up his shirt. Witness Tien saw the butt of a gun sticking out of Suspect Hess' left front pants pocket. Witness Saenz directed deputies to shoot Suspect Hess with stun bags. Witness Tien heard "Stun bag. Stun bag. Stun bag" and deputies fired several stun bag rounds at Suspect Hess. Suspect Hess turned his back so the rounds were striking him in the back. The rounds appeared to have no effect on Suspect Hess. Suspect Hess pulled the gun out of his pant pocket with his left hand, and held his arm over his head. Witness Tien said Suspect Hess yelled something to the effect of, "Oh you're gonna hit me with that?" Suspect Hess shifted his body and pointed the gun toward deputies.

Deputies fired at Suspect Hess who fell to the ground when he was struck. Suspect Hess still had his hand on the gun. Suspect Hess raised the gun and deputies fired a second volley of rounds. When asked if he shot his duty weapon, Witness Tien said "no" because he wasn't a designated shooter. He added that he almost fired because he saw the gun pointing in his direction and felt threatened.

After the shooting, Witness Saenz assigned Witness Tien as part of the approach team. A bearcat was requested, but for an unknown reason could not respond. After several minutes the team was directed to approach Suspect Hess. Witness Tien could not remember who, but someone removed the gun from Suspect Hess' hand. After he was secure they summoned paramedics who responded in approximately 2-3 minutes.

Witness Tien estimated the incident lasted for approximately 45 minutes from the time he arrived on scene until the deputies shot at Suspect Hess.

Homicide Interview

On December 16, 2016, Witness Jacqueline Ortiz was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 87-88].**

IAB Interview

Witness Deputy Jacqueline Ortiz

On January 9, 2019, at approximately 1008 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness Jacqueline Ortiz at the Internal Affairs Bureau office. Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Witness Ortiz. Witness Ortiz has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Witness Ortiz was working EM shift unit 147B at Industry station. She responded to an assistance request from Downey police who were detaining an assault with a deadly weapon suspect. Deputy Ortiz was working a two person car with Witness Benavides. When they arrived, she was tasked by Witness Saenz to request a K-9 unit. Witness Ortiz said she was provided a number on LTAC and called the K-9 unit. She explained the situation and was told a K-9 unit was responding.

IAB Note: LTAC is a local tactical frequency assigned to stations for deputies to talk/coordinate directly with each other.

Witness Ortiz was directed to put her helmet on. She returned to her vehicle and retrieved her helmet. When she returned, Witness Ortiz took a position near the front of the sergeant's Tahoe. Witness Ortiz said deputies and officers were giving Suspect Hess commands, but he was not complying. After approximately 15 minutes of commands, someone moved the sergeant's Tahoe further forward. Witness Ortiz moved her position to the front of the Downey police vehicle. Witness Ortiz said Suspect Hess turned his back toward them. When he turned back around he lifted his shirt and Witness Ortiz saw a gun in either his left pocket or waistband area. Someone yelled that he had a gun and Witness Saenz directed deputies to deploy the stun bags. Witness Ortiz said she heard the stun bags being fired, but they were having no effect on Suspect Hess.

Suspect Hess pulled out a gun from his pant pocket with his left hand, and pointed it toward the north side of the street. Witness Ortiz said she heard gunshots, and she saw Suspect Hess was struck with gunfire. Witness Ortiz heard Witness Benavides struggling with a female (Witness [redacted]) on the north sidewalk. Witness Benavides was trying to move Witness [redacted] to the east. Witness Ortiz moved to Witness Benavides and assisted him in calming down Witness [redacted], and escorting her to a patrol car. While escorting Witness [redacted] Witness Ortiz heard a second volley of gunfire. Witness Ortiz stayed with Witness [redacted] and did not see any more of the incident. She said approximately 20 minutes after the gunfire, she saw fire personnel respond to the location.

Homicide Interview

On December 16, 2016, Witness Alexander Tovali was interviewed by Homicide Investigators Robert Gray and Adam Kirste. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 84-85].**

IAB Interview

Witness Deputy Alexander Tovali

On January 15, 2019, at approximately 1041 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Witness Alexander Tovali at the Internal Affairs Bureau office.

Attorney Sherry Lawrence from the Law Offices of Stone Busailah attended the interview representing Witness Tovali. Witness Tovali has been a deputy for the Los Angeles County Sheriff's Department since 2007, and was assigned to Industry Station.

On December 15, 2016, Witness Tovali was working EM shift patrol unit 143T2 at Industry Station. Witness Tovali responded to an assistance request from Downey police, who were detaining an assault with a deadly weapon suspect at gunpoint. Witness Tovali took a position at the passenger door of Witness Saenz' Tahoe. Witness Tovali said Witnesses [redacted] and [redacted] were giving instructions to Suspect Hess to let his dog go, and lay on his stomach. He added they were telling him they just wanted to talk to him and, "Let's get out of the rain." Suspect Hess would not comply with any commands, and paced back and forth. Witness Tovali said this went on for approximately 15-20 minutes.

Witness Tovali said Witnesses [redacted] and [redacted] requested a K-9 unit from their department, but he did not believe any were available. Someone requested a K-9 unit and aero from our Department, but they did not respond. Witness Tovali was relieved by a deputy so he could retrieve his ballistic helmet. Witness Tovali went to his patrol car, put on his outer throw vest and helmet. Witness Tovali returned to his position at the passenger door of the Tahoe.

Suspect Hess started walking west, past the Downey vehicle. Witness Tovali, and several other deputies moved up and took positions at the Downey vehicle. Witness Tovali took a position near the pillar between the driver and rear passenger doors. Witness Tovali walked back to Witness Saenz' Tahoe and retrieved the ballistic shield. Witness Tovali returned to his position at the Downey police vehicle.

Witness Tovali said commands were given to deploy stun bags at Suspect Hess. Stun bags were fired at Suspect Hess, but had no effect. Suspect Hess appeared to be aggravated and lifted up his shirt. Witness Tovali heard someone yell, "Gun, gun, gun." Witness Tovali did not see the gun until Suspect Hess reached into his left pant pocket and pulled out a gun, lifting it over his head. Witness Tovali heard Suspect Hess say, "Hey, just kill me, just shoot me already." Suspect Hess turned his back toward the deputies momentarily, then spun around toward them. Witness Tovali said deputies shot at Suspect Hess, striking him numerous times. Suspect Hess fell to the ground on his back, still holding the gun. Witness Tovali said Suspect Hess was moving around and appeared to be trying to get up. Witness Tovali said deputies fired a second volley of rounds at Suspect Hess.

Witness Tovali said he could see Suspect Hess was still breathing. He could see Suspect Hess' stomach raising up and down as well as his breath due to the cold weather. Witness Tovali said they formed a team and started to approach Suspect Hess from the north curb line. He said they could see Suspect Hess was still breathing and holding a gun. They made the decision to retreat back to the cover of a vehicle. Witness Tovali said someone requested SEB because Suspect Hess was still armed. Witness Tovali was unsure of the outcome of the request for SEB: however they came

up with a tactical plan to approach Suspect Hess. The team moved to the south sidewalk and approached Suspect Hess. Witness Tovali was carrying the shield and leading the team. They approached and a deputy removed the gun from Suspect Hess' hand. Suspect Hess was handcuffed and fire personnel were called to treat Suspect Hess. Witness Tovali added fire personnel were staged just down the street.

Witness Lieutenant David Infante

On March 6, 2019, at approximately 1147 hours, IAB Sergeants John Steele and Omar Camacho interviewed Witness David Infante at Biscailuz Center. Witness Infante has been a deputy for the Los Angeles County Sheriff's Department since 1990, and a lieutenant since 2010. At the time of the incident, Witness Infante was assigned to Industry Station.

On December 15, 2016, Witness Infante was assigned as the Industry Station EM Watch Commander. Witness Infante said he was made aware that Downey police officers were in the area conducting surveillance. Witness Infante was in the station when he heard the request for assistance and went to the desk to monitor the radio traffic.

Witness Infante said he responded to the command post, but could not remember if it was before or after the shooting occurred. He added, he did not see any Downey police command staff, and was unaware of any additional resources that may have responded. Witness Infante stated the responsibility of this incident belonged to Downey Police Department, and we were there to assist them. Witness Infante stated if we had an incident like this in Downey, he would have responded to the command post and managed our resources as they arrived.

Witness Infante said he did not have any contact with anyone from Downey police that night, nor did he remember anyone else at the desk having any contact with their department.

Homicide Interview

On December 16, 2016, Witness [redacted] was interviewed by Homicide Investigators Karen Shonka and Kasey Woodruff. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 93-96].**

IAB Interview

Witness Officer [redacted]

On December 13, 2018, at approximately 1338 hours, IAB Sergeants John Steele and Omar Camacho interviewed Officer [redacted] at the Downey Police Department. Witness [redacted] has been a police officer for the Downey Police Department since

2005, and, at the time of the incident, was assigned to the Downey Police Department gang unit.

On December 15, 2016, Witness [redacted] was assigned to work on a criminal threat/assault with a deadly weapon case that happened earlier in the day. Witness [redacted], and his partner, Witness [redacted], responded to [redacted] Windrush Drive in Hacienda Heights. They were looking to see if they could locate Suspect Hess or his motorcycle at his house. Witness [redacted] said he called Industry Sheriff's Station and advised the watch commander they would be in the area. They drove around the neighborhood and did not see Suspect Hess or his motorcycle. Witness [redacted] said they took a surveillance position near White Cloud Drive, in the city of Hacienda Heights.

Sometime later, Witness [redacted] saw a male walking his dog, coming from the direction of Suspect Hess' house. Witness [redacted] said they did not see exactly where the male came from. Witness [redacted] and Witness [redacted] found it odd someone would be walking their dog at a late hour, in the rain. When the male returned, Witnesses [redacted] and [redacted] made the decision to drive by him to see if it was Suspect Hess. Witness [redacted] said they drove up Windrush Drive, past the male. Witness [redacted] looked at the male as they drove by and saw he resembled Suspect Hess, but he was not sure. They turned around in the cul-de-sac and drove back east on Windrush Drive. As they approached the male, their headlights illuminated him. Witness [redacted] said they recognized the male as Suspect Hess. Witnesses [redacted] and [redacted] made the decision to contact Suspect Hess and detain him.

Witness [redacted] said they got out of their car and identified themselves. Suspect Hess said something to the effect of he didn't want to talk to Witnesses [redacted] and [redacted] and he had a gun. Witness [redacted] engaged Suspect Hess verbally, giving him commands to surrender. Witness [redacted] called Industry Station and asked for assistance.

Witness [redacted] said he, and Witness [redacted], negotiated with Suspect Hess for approximately 45 minutes to an hour during the incident. Suspect Hess refused to obey all commands and stuck his hand in his jacket pocket simulating a weapon at one point. Witness [redacted] said it only took a few minutes for the first sheriff unit to arrive on scene after they requested assistance. Witness [redacted] made contact with a deputy and gave him a quick brief of the situation. At some point, Witness [redacted] was given a phone number to request a K-9 unit. Witness [redacted] called and spoke to a K-9 handler. When he found out K-9 wasn't on scene Witness [redacted] said, "Well we kind of have our own K-9 units." Witness [redacted] ended the phone call and returned to Witness [redacted], not wanting to leave him alone with Suspect Hess. Witness [redacted] stated he never requested any resources from his agency.

Witness [redacted] said he and Witness [redacted] were joined by a deputy behind their vehicle. Witness [redacted] said they formed a plan to go hands-on with Suspect Hess. Witness [redacted] said they started to approach Suspect Hess, and Witness [redacted]

removed his taser from its holster. Suspect Hess saw them and said something like, "If you try to taze me, I'm going to shoot you." Witness [redacted] said this was when Suspect Hess put his hand in his pocket and simulated a firearm. Witness [redacted] said they backed up and returned to the cover of their vehicle. Witness [redacted] said deputies were behind their car, using it for cover, so he and Witness [redacted] took up positions behind the deputies.

Witness [redacted] added during the incident a female (Witness [redacted]) approached him saying she was Suspect Hess' [redacted]. Witness [redacted] made the decision to let her try to talk to Suspect Hess in an attempt to gain his cooperation. Witness [redacted] said it was quickly apparent Suspect Hess was not going to cooperate and he had Witness [redacted] escorted to the east by a deputy.

Witness [redacted] said he heard someone saying stun bag or bean bag and heard a stun bag firing. He saw Suspect Hess did not appear to be affected by the stun bags. Suspect Hess grabbed his gun and held it straight up in the air. Witness [redacted] said he heard a volley of gunshots, and few seconds later, a second volley of shots. Witness [redacted] explained that he was moving east away from Suspect Hess. During this time, his line of sight was partially obscured by their vehicle and some deputies. After the shooting he could see Suspect Hess on the ground, it appeared he was still holding the gun in his hand.

Witness Officer [redacted]

Homicide Interview

On December 16, 2016, Witness [redacted] was interviewed by Homicide Investigators Karen Shonka and Kasey Woodruff. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 96-99].**

IAB Interview

On December 13, 2018, at approximately 1256 hours, IAB Sergeants John Steele and Omar Camacho interviewed Officer [redacted] at the Downey Police Department. Witness Garcia has been a Police Officer for the Downey Police Department since 2010, and, at the time of the incident, was assigned to the Downey Police Department gang unit.

On December 15, 2016, Witness [redacted] was assigned to conduct surveillance on an assault with a deadly weapon suspect from earlier in the day. The location was a possible house Suspect Hess may be staying at in the area of Hacienda Heights. Witness [redacted] and his partner, Witness [redacted], checked the area for Suspect Hess, and his motorcycle. They did not locate either so they parked down the street at the intersection of Windrush Drive and White Cloud Drive.

Witness [redacted] said they were there for a few hours and it started to rain. They saw a male (Suspect Hess) walking his dog, which they felt was strange due to the rain. Witness [redacted] said Suspect Hess matched the description given so they decided to drive by and get a closer look. As they drove by Suspect Hess, Witness [redacted] recognized him to be their suspect. They turned their car around and stopped in front of Suspect Hess. Witness [redacted] asked Suspect Hess to have a seat. Suspect Hess said something like, "I'm not going to cooperate, I have a gun." Witness [redacted] said they were out of radio communication with their department so Witness [redacted] called Industry Station for back up.

Witness [redacted] said he tried reasoning with Suspect Hess, asking him to cooperate. Suspect Hess refused saying, "You're going to have to shoot me." Witness [redacted] estimated he negotiated with Suspect Hess for twenty to thirty minutes. During that time frame, he heard deputies arriving on scene and knew Witness [redacted] had made contact with sheriff's personnel. Witness [redacted] focused on trying to gain compliance from Suspect Hess.

Witness [redacted] said Suspect Hess began walking west, away from deputies saying, "It's time for things to end." Fearing he was going to return to his house, Witnesses [redacted] and [redacted] along with a deputy, paralleled him along the north curb line. Witness [redacted] stated they were still giving commands to Suspect Hess when he heard "Stun bag, stun bag, stun bag." Suspect Hess put his hand in his jacket pocket and made a pointing gesture as if he had a gun. Witness [redacted] deployed his taser and Suspect Hess moved his hand towards his left pocket. Witness [redacted] saw a gun in Suspect Hess' pocket and said, "Don't do it! Don't do it!" Witness [redacted] said they retreated to the cover of their vehicle.

Witness [redacted] said several deputies moved up and were using their vehicle as cover. He took a position behind the deputies for cover. Witness [redacted] said he heard the stun bag rounds being fired, but they did not appear to effect Suspect Hess. Suspect Hess retrieved a gun and was holding it up in the air with his left hand.

Witness [redacted] said he could hear deputies pleading with Suspect Hess to put the gun down. He could not see what movement Suspect Hess, made but he heard a volley of gunshots. Witness [redacted] moved to get a view, and saw Suspect Hess down on his back with the gun still in his left hand. Suspect Hess began waving the gun around and a second volley of gunshots were fired. Witness [redacted] said Suspect Hess stopped moving, but still had the gun in his hand or close to his hand. The deputies came up with a plan, and approached Suspect Hess using a ballistic shield.

Witness [redacted] said no additional resources from his agency made it to the scene. He added he did not make a request for any as his focus was communicating with Suspect Hess the entire time.

Civilian Witnesses

Witness [redacted]

On December 16, 2016, Witness [redacted] was interviewed by Homicide Investigators Robert Gray and Adam Kirste at Industry Sheriff Station. Witness [redacted] stated she had been dating Suspect Hess for 22 years and living with him for the last 17 years.

Witness [redacted] said Suspect Hess had been struggling with depression since being diagnosed with Hepatitis C in 2005. He had been seeing a psychiatrist, a psychologist, and had been prescribed Prozac for his depression. Witness [redacted] said Suspect Hess went through the treatment for his Hepatitis, but got severe side effects of depression from it. Six months before Suspect Hess was going to qualify for his full pension, he was involved in an altercation at work and struck someone. Suspect Hess lost his benefits and retired at only one third of what he would have been making. Witness [redacted] said Suspect Hess had been caring for his elderly parents, which gave him something to do. Suspect Hess' sister convinced their parents to move out to West Hills against Suspect Hess' wishes. Witness [redacted] said Suspect Hess felt extremely betrayed and felt he did not have anything to live for. Witness [redacted] added Suspect Hess had talked about suicide on numerous occasions.

On December 15, 2016, Witness [redacted] text messaged Suspect Hess asking how his doctor's appointment had gone. At 1306 hours, Suspect Hess responded, "Tell the kids I'm sorry." Witness [redacted] asked for what, and told him "Don't you dare." Suspect Hess responded, "The cops will be here soon. I'm not going to jail." Suspect Hess did not respond to any more of Witness [redacted] text messages.

Witness [redacted] got home from work around 1415 or 1420 hours. She found Suspect Hess sitting in a chair in the dark. Suspect Hess was drinking Dos Equis beer and had a handgun sitting on his abdomen. Suspect Hess told Witness [redacted] he confronted his sister at their mom's house in Downey. Suspect Hess argued with his sister about her moving their parents away from him. Suspect Hess slapped his sister during the argument, knocking her into their father's chair. Suspect Hess told Witness [redacted] he pulled his gun out and pulled the trigger, but it did not go off.

Witness [redacted] said Suspect Hess had been drinking and suggested he go lie down. Suspect Hess did what she suggested and laid down in bed. Witness [redacted] left him alone, thinking he would fall asleep. Witness [redacted] was watching TV when Suspect Hess came to the door. Suspect Hess said he was going to take the dog for a walk, and told Witness [redacted] he had put the gun away.

Suspect Hess was gone for approximately 20-25 minutes when he called the house phone. Witness [redacted] answered and Suspect Hess told her the cops were coming to get him and she could hear sirens in the background. Witness [redacted] ran outside and saw Suspect Hess several houses down the street being confronted by police.

Witness [redacted] was stopped by an officer and asked if Suspect Hess was armed. She told the officer she believed he left his gun at the house. Witness [redacted] said the officers were telling Suspect Hess they just wanted to talk to him, let go of the dog, lay down. Suspect Hess refused saying, "you're going to have to shoot me first", and saying he was not going to jail. Witness [redacted] also pleaded with Suspect Hess to do what the officers were saying. Witness [redacted] said this went on for approximately an hour.

Witness [redacted] said Suspect Hess started walking in the direction of their house. Deputies shot beanbags at Suspect Hess who told them they would have to try harder than that. Witness [redacted] said Suspect Hess turned back to face the deputies, and she saw he was holding a gun in his hand. Witness [redacted] said the deputies were yelling "He's got a gun." Witness [redacted] started backing up saying "Oh, God, no." She added that she looked away because she did not want to see Suspect Hess get shot.

Witness [redacted] said she heard numerous gun shots and looked at Suspect Hess. She said he appeared to get struck by several shots and he fell to the ground. Witness [redacted] said a deputy grabbed her and moved her down the street and sat her in a police car. As they were moving she could hear deputies yelling Suspect Hess still had a gun in his hand. Witness [redacted] said she assumed Suspect Hess was dead because paramedics responded but no ambulance arrived.

Witness [redacted]

Homicide Interview

On December 16, 2016, Witness [redacted] was interviewed by Homicide Investigators Karen Shonka and Kasey Woodruff. The interview was summarized in the Homicide Case Book **[EXHIBIT A, Pages 99-100].**

IAB Interview

On February 21, 2019, at approximately 1744 hours, IAB Sergeants John Steele and Stacie Reedy interviewed Witness [redacted] at [redacted] in [redacted]

On December 15, 2016, Witness [redacted] said he was watching a movie when he heard something outside. He went to the window and saw police talking to a male (Suspect Hess) at gunpoint. They appeared to be trying to convince Suspect Hess to do something, but he was ignoring them. Witness [redacted] could not hear what was being said. Witness [redacted] left the window and paid no further attention.

Witness [redacted] said he was getting ready to leave when he heard a popping noise. Witness [redacted] walked out his front door and he saw Suspect Hess reach into his pocket and pull something out. Witness [redacted] said deputies then shot Suspect Hess.

Witness [redacted] said it happened real fast. Witness [redacted] said he saw Suspect Hess pulling the trigger on his gun, but at the time the gun was pointed in the air, not at the deputies. Witness [redacted] said the deputies left Suspect Hess on the ground and he could still see him breathing for hours. Witness [redacted] added he thought the deputies did what they had to do when Suspect Hess reached into his pocket.

IAB Note: **Witness [redacted] version differs slightly from his interview with Homicide. In his interview with Homicide Investigators he said he believed Suspect Hess fired because when Suspect Hess fell to the ground Witness [redacted] saw him pulling the trigger on his gun. [EXHIBIT A, Page 100]**